IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re Application of	Group Art Unit: 2179
	Confirmation No. 3216
Thomas R. Hull, et al.	
	Examiner: Mylinh T. Tran
SYSTEM AND METHOD FOR VISUAL REPRESENTATION AND MANIPULATION OF PAGE FEATURES ON A PRODUCTION PRINTER	
Serial No. 09/684,126	
Filed 06 October 2000	

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Sir:
APPEAL BRIEF PURSUANT TO 37 C.F.R. 41.37 and 35 U.S.C. 134

I. Table Of Contents

APPELLANT'S BRIEF ON APPEAL

Appellants hereby appeal to the Board of Patent Appeals and Interferences from the Examiner's Final Rejection of claims 56, 59-62, 65-68, 70, and 72-82 which was contained in the Final Office Action mailed May 23, 2006.

A timely Notice of Appeal was filed on August 30, 2006.

II. Real Party In Interest

Eastman Kodak Company is the real party in interest.

III. Related Appeals And Interferences

No appeals or interferences are known which will directly affect or be directly affected by or have bearing on the Board's decision in the pending appeal.

IV. Status Of The Claims

Claims 1-55 stand canceled from consideration pursuant to a response mailed August 19, 2005.

Claims 57, 58, 63, 64, 69 and 71 stand canceled from consideration pursuant to a response mailed February 22, 2006.

Claims 56, 59-62, 65-68, 70 and 72-82 remain pending, stand finally rejected, and are the subject of this appeal.

Appendix I provides a clean, double spaced copy of the claims on appeal.

V. Status Of Amendments

An Amendment After Final Rejection was mailed July 21, 2006. As noted in the Advisory Action dated August 7, 2006, such Amendment was considered by the Examiner but was deemed not to place the application in condition for allowance.

VI. Summary of Claimed Subject Matter

Independent Claim 56 requires a graphic user interface (p. 20, lines 28-29; Fig. 3, Graphic User Interface 300) (GUI) for a printer console for controlling the printing of a document having a plurality of pages (p. 21, lines 15-18; Fig. 3, Thumbnail Images of Document Pages 304A-D), wherein each of the plurality of pages has associated therewith a plurality of media and/or finishing attributes (p. 22, lines 1-14). The graphic user interface includes a page representation for each of the plurality of pages and a media and/or finishing attributes operator interface (p. 21, lines 15-18; p. 22, line 14 – p. 23, line 6; Fig. 3, Thumbnail Images of Document Pages 304A-D and Menu 308). According to Claim 56, the page representations are miniature representations of particular pages as they will look when they are printed (p. 21, lines 18-20), and the GUI displays more than one page representation simultaneously (Fig. 3, 304A-D). Also according to Claim 56, the media and/or finishing attributes operator interface is operatively coupled to a selected group of the plurality of pages and is configured to facilitate at least one of viewing of, adding to, deleting from, and modifying of the media and/or finishing attributes of the selected group of the plurality of pages (p. 22, lines 17-21). The media and/or finishing attributes operator interface operatively coupled to the selected group of the plurality of pages is displayed in response to selections of the page representations for the selected group of the plurality of pages (p. 22, line 22 – p. 23, line 4).

A notable feature of Claim 56 is the operator interface, operatively coupled to a selected group of the plurality of pages and configured to facilitate at least one of viewing of, adding to, deleting from, and modifying of the media and/or finishing attributes of the selected group of the plurality of pages. In this regard, Claim 56 also requires that the GUI display more than one page representation simultaneously. Claim 56 requires that the operator interface be displayed in response to selections of the page representations for the selected group of the plurality of pages. Consequently, the invention recited in Claim 56 allows a user to modify media and/or finishing attributes of a group of pages by selecting page representations for the selected group of pages. This arrangement allows a user to configure the attributes of plural pages easily, without having to adjust the

properties of each page individually. Support for these features can be found in the specification at least at page 22, lines 14-22, which is described with reference to FIG. 3. (It should be noted that the scope of Claim 56 is not limited to the details of this embodiment, which is referred to for purposes of illustration only.)

Independent claim 62 includes a method of controlling through a graphic user interface (p. 20, lines 28-29; Fig. 3, Graphic User Interface 300) (GUI) the printing of a document having a plurality of pages (p. 21, lines 15-18; Fig. 3, Thumbnail Images of Document Pages 304A-D), wherein each of the plurality of pages has associated therewith a plurality of media and/or finishing attributes (p. 22, lines 1-14), the method including representing each of the plurality of pages with a page representation (p. 21, lines 15-18; Fig. 3, Thumbnail Images of Document Pages 304A-D), which is a miniature representation of a particular page as it will look when it is printed (p. 21, lines 18-20), wherein the GUI displays more than one page representation simultaneously (Fig. 3, 304A-D); and displaying on the GUI, in response to selections of the page representations of a selected group of the plurality of pages, a media and/or finishing attributes operator interface operatively coupled to the selected group of the plurality of pages and configured to facilitate at least one of viewing of, adding to, deleting from, and modifying of the media and/or finishing attributes of the selected group of the plurality of pages (p. 22, lines 17-21; p. 22, line 14 – p. 23, line 6; Fig. 3, Menu 308).

Independent claim 68 includes a graphic user interface (p. 20, lines 28-29; Fig. 3, Graphic User Interface 300) (GUI) for a printer console for controlling the printing of a document having a plurality of pages (p. 21, lines 15-18; Fig. 3, Thumbnail Images of Document Pages 304A-D), wherein each of the plurality of pages has associated therewith a plurality of media and/or finishing attributes (p. 22, lines 1-14), the graphic user interface including: a page representation for each of the plurality of pages (p. 21, lines 15-18; Fig. 3, Thumbnail Images of Document Pages 304A-D), the page representations being miniature representations of particular pages as they will look when they are printed (p. 21, lines 18-20), wherein the GUI displays more than one page representation simultaneously (Fig. 3, 304A-D); and a media and/or finishing attributes operator

interface (p. 22, line 14 – p. 23, line 6; Fig. 3, Menu 308) operatively coupled to a selected page of the plurality of pages and configured to facilitate at least one of viewing of, adding to, deleting from, and modifying of the media and/or finishing attributes of the selected page, wherein all of the media and/or finishing attributes associated with the selected page are displayed in response to a selection of the page representation for the selected page (p. 22, lines 17-21; p. 22, line 14 – p. 23, line 6; Fig. 3, Menu 308); H). (p. 22, line 22 – p. 23, line 4).

Independent claim 70 includes a method of controlling through a graphic user interface (p. 20, lines 28-29; Fig. 3, Graphic User Interface 300) (GUI) the printing of a document having a plurality of pages (p. 21, lines 15-18; Fig. 3, Thumbnail Images of Document Pages 304A-D), wherein each of the plurality of pages has associated therewith a plurality of media and/or finishing attributes (p. 22, lines 1-14), the method including: representing each of the plurality of pages with a page representation (p. 20, lines 28-29; Fig. 3, Graphic User Interface 300), which is a miniature representation of a particular page as it will look when it is printed (p. 21, lines 18-20), wherein the GUI displays more than one page representation simultaneously (Fig. 3, 304A-D); and displaying, on the GUI and in response to a selection of a selected page representation of the page representations, all of the media and/or finishing attributes associated with the page represented by the selected page representation (p. 22, lines 17-21; p. 22, line 14 – p. 23, line 6; Fig. 3, Menu 308); (p. 22, line 22 – p. 23, line 4).

As detailed above, independent Claim 62 includes similar notable features to those of Claim 56, described above, and, therefore, Claim 56 will be treated as representative of Claim 62 in regard to these features.

Similar to Claim 56, Independent Claims 68 and 70 require, among other things, that the GUI display more than one page representation simultaneously. Accordingly, in regard to this feature, Claim 56 also will be treated as representative of Claims 68 and 70.

However, Claim 68 recites that the media and/or finishing attributes operator interface be operatively coupled to a selected page of the plurality of pages, as opposed to a selected group of the plurality of pages, as recited in Claim 56. Therefore, Claim 56 will not be treated as representative of Claim 68 in

regard to this feature. Also in regard to this feature, Claim 70 is in accordance with Claim 68 and, therefore, Claim 68 will be treated as representative of Claim 70.

In summary, independent Claim 56 will be treated as representative of independent Claim 62 with respect to the following discussions pertaining to the operator interface operatively coupled to a selected group of the plurality of pages. In addition, Claim 56 will be treated as representative of independent Claims 62, 68, and 70 with respect to the following discussions pertaining to the GUI displaying more than one page representation simultaneously.

VII. Grounds of Rejection to be Reviewed on Appeal

The following issues are presented for review by the Board of Patent Appeals and Interferences:

1. Claims 56, 59-62, 65-68, 70 and 76-82 stand rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Livingston (U.S. Patent No. 6,621,590) in view of Habib et al. (U.S. Patent No. 5,694,610) and further in view of Coleman et al. (U.S. Patent No. 6,262,732).

2. Claims 72-75 stand rejected under 35 U.S.C. §103(a) as allegedly unpatentable over the Livingston Patent, the Habib et al. Patent, and the Coleman et al. Patent, and further in view of Connors (U.S. Patent No. 5,600,412).

VIII. Arguments

A. Remarks Pertaining to the First Ground of Rejection of Claims 56, 59-62, 65-68, 70 and 76-82 under 35 U.S.C. §103(a) as allegedly unpatentable over the Livingston Patent in view of Habib et al. Patent and further in view of the Coleman et al. Patent

1. Claims 56 and 62: The Combination of the Livingston Patent and the Habib et al. Patent does not Teach or Suggest an Operator Interface Operatively Coupled to a Selected Group of a Plurality of Pages

The Final Office Action at page 6 in its "Response to Arguments" section states that the Livingston Patent allegedly teaches this feature in combination with the Habib et al. patent. In particular, the Final Office Action states that the Livingston patent teaches a plurality of pages in FIG. 3A, reference numeral 74. The Final Office Action then states that the Habib et al. patent teaches, at FIG. 3C, that an operator can view the page features of a page by right-clicking the page with a mouse button. Appellants respectfully submit that the mere teaching of a plurality of pages by the Livingston patent, and the mere teaching of viewing page attributes of a single page by right clicking on the single page by the Habib et al. patent does not cumulatively teach the invention of Claims 56 and 62, which requires an operator interface that allows the modifying of attributes of a group of pages; the interface being displayed in response to a selection of page representations for the group of pages. Appellants respectfully submit that one skilled in the art knowing that a document can have a plurality of pages according to the Livingston Patent and also knowing that page features of a single page can be viewed by right-clicking on the single page according to the Habib et al. patent would not also know that attributes of a group of pages can be viewed and modified by selecting page representations of the group of pages, according to Claims 56 and 62.

2. Claims 56, 62, 68, and 70: The Combination of the Livingston
    Patent and the Habib et al. Patent does not Teach or Suggest that the
    Operator Interface is Displayed Upon Selection of One or More Page
    Representations

All of the independent claims (Claims 56, 62, 68, and 70) essentially require an arrangement where the operator interface is displayed upon selection of one or more page representations. The Final Office Action appears to agree with Appellants previous assertions in their response dated February 22, 2006, that the Livingston Patent requires selection of features first and then the selection of the pages for which the attributes are to apply. See column 5, lines 7-17 and column 6, lines 60-63. The arrangement of the Livingston patent can make it difficult for a user to apply settings to pages when the user does not remember what the particular pages in the document look like. In contrast, the present invention recited in the independent claims allows a user to view miniature page representations that look like the actual pages when they are printed, so that the user can easily remember what their pages look like so the user can more easily know what attributes should be applied to which pages.

In order to supplement the Livingston patent's disclosure, which fails to disclose an operator interface that is displayed upon selection of a page representation, according to the independent claims, the Final Office Action refers to FIG. 3C of the Habib Patent to allegedly show that an operator can view page features of a single page by selecting the single page with a right-click of a mouse button. See the bottom of page 2 of the Final Office Action. The Final Office Action then states that it would be obvious to modify the Livingston patent by the Habib et al. patent because it would "enhance the printing pages." See the top of page 3 of the Final Office Action. Appellants respectfully disagree that the Final Office Action has supplied sufficient reasons for a motivation to combine these references, i.e., to modify the Livingston et al. patent by the teachings of the Habib et al. patent. In particular, it is not clear to Appellants what "enhance the printing pages" means and how right-clicking a page representation, such as that shown by reference numeral 68 in FIG. 3A of the Livingston patent would

"enhance the printing pages". In particular, the feature list menu shown by reference numeral 64 of the Livingston patent is understood to be displayed at all times. Therefore, it is not clear to Appellants why one skilled in the art would need to or look to modify the teachings of the Livingston et al. patent to require the display of a menu by right-clicking the page representation 68. Stated differently, if the attributes menu 64 of the Livingston patent is displayed already, no need exists for the display of such menu by right-clicking the page representation 68; doing so would even complicate the teachings of the Livingston patent. Therefore, Appellants respectfully submit that one skilled in the art would not be motivated to modify the teachings of the Livingston patent by the teachings of the Habib et al. patent to have the menu 64 of the Livingston patent displayed by right-clicking the page representation 68.

3.   Claims 56, 62, 68, and 70: The Combination of the Livingston Patent and the Habib et al. Patent does not Teach or Suggest that Simultaneous Display of Multiple Page Representations

Claims 56, 62, 68, and 70, the independent claims, similarly require a page representation for each of the plurality of pages, the page representations being miniature representations of particular pages as they will look when they are printed, wherein the GUI displays more than one page representation simultaneously. The Final Office Action acknowledges that the Livingston patent and the Habib et al. patent do not disclose page representations being miniature representations of particular pages as they will look when they are printed and that the graphical user interface displays more than one page representation simultaneously. See the second paragraph of page 3 of the Final Office Action. To supplement this lacking disclosure, the Final Office Action refers to the Coleman patent, FIG. 2, column 6, lines 5-15, to allegedly teach these features. However, it appears to Appellants that the teachings of the Livingston patent would not easily be modified to display plural page representations simultaneously, because the scroll bar mechanism 70 shown in FIG. 3A of the Livingston patent is conducive to the display of only a single page at a time.

Accordingly, Appellants respectfully submit that it would not be obvious for one of ordinary skill in the art to modify the teachings of the Livingston patent to include showing multiple pages simultaneously, as is required by Claims 56, 62, 68, and 70.

4. Claims 59-61, 65-67, and 76-82

Claims 59-61, 65-67, and 76-82 each depend from one of the independent claims discussed above and are submitted to be patentable for at least the same reasons.

B. Remarks Pertaining to the Second Ground of Rejection of Claims 72-75 under 35 U.S.C. §103(a) as allegedly unpatentable over the Livingston Patent, the Habib et al. Patent, and the Coleman et al. Patent, and further in view of the Connors Patent

Claims 72-75 each depend from one of the independent claims discussed above and are submitted to be patentable for at least the same reasons.

IX. Conclusion

For at least the above-discussed reasons, Appellants respectfully submit that the independent claims are patentable over the cited references, taken separately or in any proper combination. The other remaining claims depend from one of the independent claims discussed above, and are submitted to be patentable for at least the same reasons. Accordingly, Appellants respectfully request that the Board of Patent Appeals and Interferences reverse the rejection by the Examiner and mandate the allowance of Claims 56, 59-62, 65-68, 70 and 72-82.

Respectfully submitted,

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If the Examiner is unable to reach the Appellant(s) Attorney at the telephone number provided, the Examiner is requested to communicate with Eastman Kodak Company Patent Operations at (585) 477-4656.

X. Appendix I - Claims on Appeal

1. – 55. (Cancelled)

56. (Previously Amended) A graphic user interface (GUI) for a printer console for controlling the printing of a document having a plurality of pages, wherein each of the plurality of pages has associated therewith a plurality of media and/or finishing attributes, the graphic user interface comprising:

a page representation for each of the plurality of pages, the page representations being miniature representations of particular pages as they will look when they are printed, wherein the GUI displays more than one page representation simultaneously; and

a media and/or finishing attributes operator interface operatively coupled to a selected group of the plurality of pages and configured to facilitate at least one of viewing of, adding to, deleting from, and modifying of the media and/or finishing attributes of the selected group of the plurality of pages, wherein the media and/or finishing attributes operator interface operatively coupled to the selected group of the plurality of pages is displayed in response to selections of the page representations for the selected group of the plurality of pages.

57. – 58. (Cancelled)

59. (Previously Amended) A graphic user interface in accordance with claim 56, further comprising a pointing device, and wherein the media and/or finishing attributes operator interface is displayed when the pointing device is manipulated over one of the selected page representations.

60. (Original) A graphic user interface in accordance with claim 56, wherein the media and/or finishing attributes operator interface is comprised of a pull down menu.

61. (Original) A graphic user interface in accordance with claim 56, wherein the media and/or finishing attributes operator interface is comprised of a dialog box.

62. (Previously Amended) A method of controlling through a graphic user interface (GUI) the printing of a document having a plurality of pages, wherein each of the plurality of pages has associated therewith a plurality of media and/or finishing attributes, the method comprising:

representing each of the plurality of pages with a page representation, which is a miniature representation of a particular page as it will look when it is printed, wherein the GUI displays more than one page representation simultaneously; and

displaying on the GUI, in response to selections of the page representations of a selected group of the plurality of pages, a media and/or finishing attributes operator interface operatively coupled to the selected group of

the plurality of pages and configured to facilitate at least one of viewing of, adding to, deleting from, and modifying of the media and/or finishing attributes of the selected group of the plurality of pages.

63. – 64. (Cancelled)

65. (Previously Amended) A method in accordance with claim 62, wherein the media and/or finishing attributes operator interface is displayed in response to a manipulation of a pointing device over one of the selected page representations.

66. (Original) A method in accordance with claim 62, wherein the media and/or finishing attributes operator interface is comprised of a pull down menu.

67. (Original) A method in accordance with claim 62, wherein the media and/or finishing attributes operator interface is comprised of a dialog box.

68. (Previously Amended) A graphic user interface (GUI) for a printer console for controlling the printing of a document having a plurality of pages, wherein each of the plurality of pages has associated therewith a plurality of media and/or finishing attributes, the graphic user interface comprising:

a page representation for each of the plurality of pages, the page representations being miniature representations of particular pages as they will

look when they are printed, wherein the GUI displays more than one page representation simultaneously; and

a media and/or finishing attributes operator interface operatively coupled to a selected page of the plurality of pages and configured to facilitate at least one of viewing of, adding to, deleting from, and modifying of the media and/or finishing attributes of the selected page, wherein all of the media and/or finishing attributes associated with the selected page are displayed in response to a selection of the page representation for the selected page.

69. (Cancelled)

70. (Previously Amended) A method of controlling through a graphic user interface (GUI) the printing of a document having a plurality of pages, wherein each of the plurality of pages has associated therewith a plurality of media and/or finishing attributes, the method comprising:

representing each of the plurality of pages with a page representation, which is a miniature representation of a particular page as it will look when it is printed, wherein the GUI displays more than one page representation simultaneously; and

displaying, on the GUI and in response to a selection of a selected page representation of the page representations, all of the media and/or finishing attributes associated with the page represented by the selected page representation.

71. (Cancelled)

72. (Original) A graphic user interface in accordance with claim 56, wherein the GUI detects conflicts between media and/or finishing attributes and media and/or finishing attributes which are improperly set.

73. (Original) A method in accordance with claim 62, further comprising the step of detecting conflicts between media and/or finishing attributes and media and/or finishing attributes which are improperly set.

74. (Original) A graphic user interface in accordance with claim 68, wherein the GUI detects conflicts between media and/or finishing attributes and media and/or finishing attributes which are improperly set.

75. (Original) A method in accordance with claim 70, further comprising the step of detecting conflicts between media and/or finishing attributes and media and/or finishing attributes which are improperly set.

76. (Previously Added) The graphic user interface of Claim 56, wherein the media and/or finishing attributes operator interface facilitates viewing of, adding to, and deleting from the media and/or finishing attributes of the selected group of the plurality of pages.

77. (Previously Added) The graphic user interface of Claim 56, wherein the media and/or finishing attributes operator interface facilitates viewing of, adding to, deleting from, and modifying of the media and/or finishing attributes of the selected group of the plurality of pages.

78. (Previously Added) The graphic user interface of Claim 56, wherein the selected group of the plurality of pages includes all of the plurality of pages.

79. (Previously Added) The method of Claim 62, wherein the media and/or finishing attributes operator interface facilitates viewing of, adding to, and deleting from the media and/or finishing attributes of the selected group of the plurality of pages.

80. (Previously Added) The method of Claim 62, wherein the media and/or finishing attributes operator interface facilitates viewing of, adding to, deleting from, and modifying of the media and/or finishing attributes of the selected group of the plurality of pages.

81. (Previously Added) The method of Claim 62, wherein the selected group of the plurality of pages includes all of the plurality of pages.

82. (Previously Added) The graphic user interface of Claim 68, wherein the media and/or finishing attributes operator interface is operatively coupled to a plurality of selected pages of the plurality of pages and is configured to facilitate at least one of viewing of, adding to, deleting from, and modifying of the media and/or finishing attributes of the plurality of selected pages.

XI. Appendix II - Evidence

None.

XII. Appendix III – Related Proceedings

None.